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The parties' proposed briefing schedule for their anticipated motions to exclude expert testimony is ADOPTED. Motions are due by May 12, 2023; oppositions are due by June 30, 2023; and replies are due by August 8, 2023.

February 21, 2023

The Clerk of Court is directed to terminate ECF No. 99.

Honorable Jennifer H. Rearden
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 1010
New York, NY 10007-1312

SO ORDERED.

Jennifer H. Rearden, U.S.D.J.
Date: Feb. 27, 2023

Re: CFTC v. Rivoire, 19 Civ. 11701 (JHR)

Dear Judge Rearden:

The parties jointly submit this letter to propose a briefing schedule for the parties' anticipated motions to exclude expert testimony.

This case was reassigned from Judge Oetken to this Court on January 19, 2023. On December 20, 2022, Judge Oetken ordered a seriatim summary judgment briefing schedule as follows: (1) Plaintiff's Motion: March 3, 2023; (2) Defendant's Cross-Motion and Opposition: May 1, 2023; (3) Plaintiff's Opposition and Reply: June 19, 2023; (4) Defendant's Reply: July 28, 2023. (ECF No. 96.)

While Your Honor's Individual Rules do not contemplate seriatim briefing on summary judgment, they do require that, "unless the Court orders otherwise," motions to exclude expert testimony be made by the deadline for dispositive motions. *See* Individual Rules and Practices in Civil Cases, at 5.L. Through this letter, the parties seek an order establishing different deadlines for expert motions and dispositive motions, as contemplated by Rule 5.L.

In order to provide for the simultaneous submission of motions to exclude expert testimony, and to accommodate the current summary judgment briefing schedule, the parties

Hon. Jennifer H. Rearden
U.S. District Court for the Southern District of New York
February 21, 2023
Page 2

jointly propose the following schedule for expert motions. This proposed briefing schedule would substantially overlap with, and conclude soon after, the current summary judgment schedule:

- Motions due: May 12, 2023
- Oppositions due: June 30, 2023
- Replies due: August 8, 2023

Accordingly, the parties respectfully request that the Court enter the proposed briefing schedule for motions to exclude expert testimony. The parties are available at Your Honor's convenience should the Court wish to discuss this matter further.

Respectfully submitted,

COMMODITY FUTURES TRADING
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